THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

RODNEY BARBER	:	
	:	
v.	:	C.A. NO.: 05-390-ML
VERIZON NEW ENGLAND, INC	:	

MEMORANDUM IN REPLY TO DEFENDANT'S OBJECTION TO MOTION TO AMEND COMPLAINT

Now comes the Plaintiff in the above-entitled matter and hereby provides a short reply to Defendant's Objection to Plaintiff's Motion to Amend. First, Plaintiff is requesting to add the two (2) inidividauls because they are both guilty of discriminating against my client. For Defendant to state that the only reason to add each individual is for discovery purposes only is an enourmous assumption on its part. Named invididuals who discriminate against a plaintiff is cleary a valid reason for including them in a discrimination complaint.

Second, Defendant states that no new information is included in the Verified Amended Complaint other than language in Paragraph 23. While this is true, the Verified Amended Complaint does define the discriminatory actions of the named individuals in Paragraphs 14, 15, and 16. Based on the conversations with Barber and between Lorna Deplitch and Joseph Conway, it was decided to terminate Barber. Mr. Conway was the person who sent the termination letter based on the investigation of Ms. Deplitch. Discovery may prove that the individuals named did not discriminate against Barber, however, at this point in the litigation there is a prima facia case against them based on their actions.

Next, Defendant argues that adding the individuals would be prejudicial against it, however, Verizon has not shown any specific facts against it that would be prejudicial. The only general issue that it has provided is that the discovery "*would require expensive and time-consuming additional discovery.*" (quoted from Defendant's Memorandum, p.

3). Said individuals are intertwined in the entire case and would be testifying and therefore, need to be deposed. There is no additonal discovery that would be necessary other than interrogatories and production, which would be included in many of the discovery requests sent to Verizon. In fact, the only prejudice would be against Plaintiff. If either of these individuals cease working for Verizon (either their choice or Verizon's), they may not be located or may refuse to comply with discovery.

Last, Defendant argues that the discovery requests are patently overbroad. This is not the correct vehicle in which to make such allegations. Therefore, it will not be addressed at this point, other than to state that such allegations are premature in that Defendant does not know what will be asked of the two (2) individuals.

Therefore, Plaintiff respectfully requests this Honorable Court to grant permission to Amend the Complaint to include Lorna Deplitch and Joseph Conway III.

PLAINTIFF
By his Attorney

BRUCE P. GLADSTEIN (#5272)
750 EAST AVENUE
PAWTUCKET, RI 02860
(401) 722-9900

CERTIFICATION

I hereby certify that on the 13 day of February 2006 I mailed a true copy of the within, postage prepaid to Attorney John D. Doran, Edwards & Angell, LLP, 2800 Financial Plaza, Providence RI 02903, and Attorney Timothy P. Van Dyck, Edwards & Angell, LLP , 101 Federal Street, Boston, MA 02110.